



Practitioner's Docket No. P43-5007

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Blair A. Barbour

Application No.: 09/621,768

Group No.: 2877

Filed: July 21, 2000

Examiner: Not Assigned

For: **APPARATUS AND METHOD OF INFORMATION EXTRACTION FROM  
ELECTROMAGNETIC ENERGY BASED UPON MULTI-CHARACTERISTIC  
SPATIAL GEOMETRY PROCESSING**

**Box Missing Part  
Assistant Commissioner for Patents  
Washington, D.C. 20231**

**COMPLETION OF FILING REQUIREMENTS  
NONPROVISIONAL APPLICATION**

*(check and complete this item, if applicable)*

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed October 3, 2000.

**NOTE:** *If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.*

- ☒ A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

**NOTE:** *The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.*

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

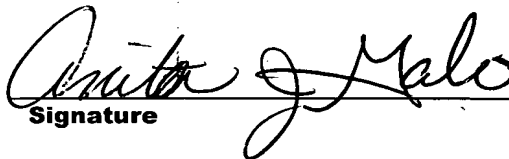
I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office

  
**Signature**

Date: October 30, 2000

Anita J. Galo  
*(type or print name of person certifying)*

## DECLARATION OR OATH

- II. ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

**NOTE:** If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).

## OR

- ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

**NOTE:** For surcharge fee for filing declaration after filing date complete item VI(3) below.

**NOTE:** "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

"(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);

"(B) serial number and filing date;

"(C) attorney docket number which was on the specification as filed;

"(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

M.P.E.P. § 601.01(a), 7<sup>th</sup> Ed.

**NOTE:** Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

## AMENDMENT CANCELLING CLAIMS

- III. ☐ Cancel claims \_\_\_\_\_ inclusive.

**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

- IV.** ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

*NOTE: Fee for processing a non-English application, complete item VI(5) below.*

*NOTE: A non-English oath or declaration in the form provided by the PTO need not be translated. 37 C.F.R. 1.69(b).*

**OTHER DOCUMENTS**

**V.**

- (a) ☐ Attached is an Information Disclosure Statement, PTO-Form 1449 and ( ) references.
- (b) ☐ Attached is a request for a corrected filing receipt along with a copy of the official filing receipt received from the PTO in the above-identified patent application for which issuance of a corrected filing receipt is respectfully requested herewith.
- (c) ☐ Preliminary Amendment
- (d) ☐ Certified Copy of prior German Application No. , filed , from which priority is being claimed in the subject application is attached.

**SMALL ENTITY STATUS**

**VI.**

- ☒ A statement that this filing is by a small entity  
(check and complete applicable items)
- ☒ is attached.
- ☒ A separate refund request accompanies this paper.
- ☐ was filed on \_\_\_\_\_ (original).

**COMPLETION OF FEES**

**VII.**

**WARNING:** Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. 1.53.

*NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. 1.28(a).*

**1. Filing fee**

- ☐ original patent application  
(37 C.F.R. § 1.16(a)--\$710.00; small entity--\$355.00) \$ \_\_\_\_\_
- ☐ design application  
(37 C.F.R. § 1.16(f)--\$320.00; small entity--\$160.00) \$ \_\_\_\_\_

2. Fees for Claims

- ☐ each independent claim in excess of 3  
(37 C.F.R. § 1.16(b)--\$80.00; small entity--\$40.00) \$ \_\_\_\_\_
- ☐ each claim in excess of 20  
(37 C.F.R. § 1.16(c)--\$18.00; small entity--\$9.00) \$ \_\_\_\_\_
- ☐ multiple dependent claim(s)  
(37 C.F.R. § 1.16(d)--\$270.00; small entity--\$135.00) \$ \_\_\_\_\_

3. Surcharge fees

- ☐ late payment of filing fee
- and/or
- ☒ late filing of original declaration or oath  
(37 C.F.R. § 1.16(e)--\$130.00; small entity--\$65.00); \$65.00

**NOTE:** Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

**NOTE:** If both the filing fee and declaration or oath were missing from the original papers, only one surcharge fee for both need be paid. 37 C.F.R. 1.16(e).

4. ☐ Petition and fee for filing by other than all the inventors or a person not the inventor  
(37 C.F.R. §§ 1.17(i) and 1.47--\$130.00) \$ \_\_\_\_\_
5. ☐ Fee for processing an application filed with a specification in a non-English language  
(37 C.F.R. §§ 1.17(k) and 1.52(d)--\$130.00) \$ \_\_\_\_\_
6. ☐ Fee for processing and retention of application  
(37 C.F.R. §§ 1.21(l) and 1.53(d)--\$130.00) \$ \_\_\_\_\_
7. ☒ Assignment (See "ASSIGNMENT COVER SHEET".) \$40.00

**NOTE:** 37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. 1.53(f) and this, as well as, the changes to 37 C.F.R. §§ 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under § 1.53(f) must be paid.

Total completion fees \$105.00

## EXTENSION OF TERM

### VIII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$195.00
<input type="checkbox"/> three months	\$ 890.00	\$445.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00

Fee \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.  
(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE DUE

### IX.

The total fee due is

Completion fee(s) \$105.00 \_\_\_\_\_

Extension fee (if any) \$0.00 \_\_\_\_\_

Total Fee Due \$105.00 \_\_\_\_\_

### PAYMENT OF FEES

### X.

- ☒ Enclosed is a check in the amount of \$105.00 \_\_\_\_\_
- ☐ Charge Account No. 20-0090 \_\_\_\_\_ in the amount of \$ \_\_\_\_\_  
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

Please charge Account No. 20-0090 \_\_\_\_\_ for any fees that may be due by this paper.

## AUTHORIZATION TO CHARGE ADDITIONAL FEES

### XI.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

**NOTE:** "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 20-0090

☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☒ 37 C.F.R. § 1.16(e)(surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☒ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

☐ 37 C.F.R. § 1.17 (application processing fees)

**NOTE:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

**NOTE:** 37 C.F.R. 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying. . . issue fee . . ." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

  
**SIGNATURE OF PRACTITIONER**

Ronald M. Kachmarik  
(type or print name of attorney)

Reg. No.: 34,512

Tel. No.: (216) 621-2234

Tarolli, Sundheim, Covell  
Tummino, & Szabo L.L.P.  
1111 Leader Building  
526 Superior Avenue  
P.O. Address  
Cleveland, OH 44114-1400



Practitioner's Docket No P43-5007

  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Blair A. Barbour

Application No.: 09/621,768

Group No.: 2877

Filed: July 21, 2000

Examiner: Not Assigned

For: **APPARATUS AND METHOD OF INFORMATION EXTRACTION FROM  
ELECTROMAGNETIC ENERGY BASED UPON MULTI-CHARACTERISTIC  
SPATIAL GEOMETRY PROCESSING**

☐ Patent No.: \_\_\_\_\_ Issued: \_\_\_\_\_

Assistant Commissioner for Patents  
ATTENTION: REFUND SECTION, ACCOUNTING DIVISION, OFFICE OF FINANCE  
Washington, D.C. 20231

REQUEST FOR REFUND  
(37 C.F.R. 1.28(a))

I. SUBMISSION OF SMALL ENTITY STATEMENT

(complete (a) or (b))

- (a) ☒ Attached is a statement claiming small entity status in this application.  
(b) ☐ A statement claiming small entity status was filed in  
this application on \_\_\_\_\_

II. REFUND REQUEST

This request for refund is made herein regarding the above-identified patent  
application filed on July 21, 2000, in the amount of \$1,068.

NOTE: The two-month period (§ 1.28(a)) is not included in the provisions for extension under 37 C.F.R. 1.136  
because it is not a period for response. Notice of November 30, 1983, 49 FR 548, January 4, 1984.  
37 C.F.R. 1.28(a).

*If the fee was changed to a deposit account, a request for refund must be filed within two months of  
the date of the change to the deposit account.*

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

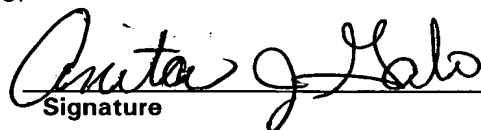
I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

☒ deposited with the United States Postal  
Service with sufficient postage as first class mail  
in an envelope addressed to the Assistant  
Commissioner for Patents, Washington, D.C.  
20231.

☐ transmitted by facsimile to the  
Patent and Trademark Office

  
Signature

Date: October 30, 2000

Anita J. Galo  
(type or print name of person certifying)

III. FEES PAID FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input checked="" type="checkbox"/> Filing Fee	\$ 534.00
<input type="checkbox"/> Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 CFR 1.16(e) or 37 CFR 1.16(l)).	\$
or	
<input type="checkbox"/> Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 CFR 1.16(e)).	\$
<input type="checkbox"/> Surcharge for filing the basic filing on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l)).	\$
or	
<input type="checkbox"/> Surcharge for filing the cover sheet on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l)).	\$
<input type="checkbox"/> Extension of term.	\$
<input type="checkbox"/> Issue fee.	\$
<input type="checkbox"/> Patent maintenance fee	
<input type="checkbox"/> first maintenance fee	\$
<input type="checkbox"/> second maintenance fee	\$
<input type="checkbox"/> third maintenance fee	\$
<input type="checkbox"/> Patent maintenance fee surcharge.	\$
<input type="checkbox"/> Other.	\$

NOTE: The refund provisions of §1.28(a), for later submitted small entity statements, apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37 .

TOTAL REFUND REQUESTED \$ 534.00



**IV. MANNER OF REFUND**

Please make refund by:

- ☐ crediting Account No. 20-0090.  
☒ refunding overpayment

Reg. No.: 34,512

Tel. No.:(216) 621-2234

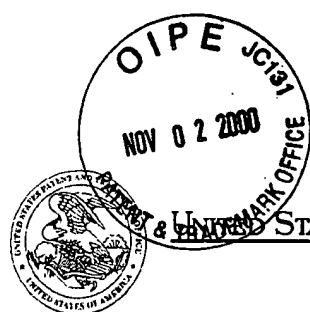


\_\_\_\_\_  
**Signature of Practitioner**

\_\_\_\_\_  
**Ronald M. Kachmarik**

*(type or print name of attorney)*

Tarolli, Sundheim, Covell  
Tummino, & Szabo L.L.P.  
1111 Leader Building  
526 Superior Avenue  
\_\_\_\_\_  
*P.O. Address*  
Cleveland, OH 44114-1400  
\_\_\_\_\_



SECTOR\$

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/621,768	07/21/2000	Blair A. Barbour	P43-5007

Tarolli Sundheim Covell  
Tummino & Szabo LLP  
1111 Leader Building  
526 Superior Avenue  
Cleveland, OH 44114-1400

## FORMALITIES LETTER



\*OC000000005447427\*

Date Mailed: 10/03/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

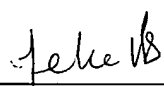
*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

---

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

11/06/2000 VVAN11 00000010 09621768 65.00 00  
01 FC:205